

Montana Newsletter

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June, 1980

montana community news from the department of community affairs

Volume 2
Number 5

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Summer Youth Employment Program Begins

The Summer Youth Employment Program (SYEP) is scheduled to begin June 1st with a total budget of \$2,271,000. The program will operate until October 1st of this year and will employ approximately 1,300 economically disadvantaged youths, ages 14 through 21, through ten local human resource development councils and the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

In addition to the work experience offered through this program, many participants will be encouraged to attend career awareness programs to be offered by each agency. The career awareness training is individually designed by each agency within established guidelines to provide participants with occupational information, job seeking skills, information on education facilities and alternative career possibilities, such as the armed services and other vocational opportunities. One of the Employment Security Division's mobile "World of Work" units will supplement the career awareness program in several rural areas.

Programs specially developed for handicapped youth and school dropouts will operate in several locations. These are designed to improve services to these target groups and assist them in returning to school and in gaining employment skills, while determining how specific target groups may be most effectively served.

For further information on the Youth Employment Program, interested persons should contact Cyndy Olsen or Linda Nelson at DCA's Community Services Division (telephone: 449-3420) or the nearest human resource development council.

Public Hearing Set For Changes to DCA Subdivision Rules

A public hearing will be held at 2:00 P.M. on July 23rd in the Auditorium of the Scott Hart Building (old Highway Department) at 303 Roberts Street in Helena regarding several changes proposed to the Department of Community Affairs' subdivision rules. The March issue of MCN described, in detail, the rationale for the major amendments under consideration. Those changes would delete present provisions [ARM 22.2.4B(6)-S420(4) and 22.2.4B(30)-S4090(3)(c)(d)] which qualify or limit the use of exemptions from local review and require local governing bodies to adopt criteria for determining whether exemptions are being used for the purpose of evading the Subdivision and Platting Act. They would also repeal the provisions [ARM 22-2.4B(6)-S420(3)] which exclude certain condominium developments from subdivision review.

Only six persons responded as a result of the department's solicitation of comments in the March newsletter.

Several surveyors have also requested that the existing rules which require that monuments be set prior to the filing of a subdivision plat or certificate be relaxed. The existing rules allow deferring monumentation only when the monuments would be disturbed by the installation of improvements. The requested change would expand this to allow filing of survey documents before monumentation where, due to unusual circumstances (such as winter weather), monuments cannot be set prior to filing. The monuments not set would have to be set by a specified date, such date not to exceed six months from the filing of the survey monument.

The full text of all the amendments proposed for the state subdivision rules, as well as accompanying explanatory material, is available from DCA's Community Development Division, Capitol Station, Helena, MT 59601, (telephone) 449-3757.

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We welcome responses to articles, reader letters and article suggestions. Permission to reprint material from MCN is hereby granted.

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44 Counties Declared Disaster Areas From '79 Drought

According to a notice in the May 6, 1980 edition of the *Federal Register*, the 1979 drought conditions from March through as late as November in some counties constituted a disaster situation. The notice in the *Register* means that businesses in any of these counties may be eligible for Small Business Administration (SBA) loans at low interest rates to help off-set effects of the drought. Two SBA loan programs were cited as potentially available to small businesses: Economic Injury Disaster Loans and Physical Disaster Loans. If MCN readers know of any individuals, firms or organizations that were hurt by the drought conditions noted in the table below, encourage them to get in touch with the Small Business Administration, District Office, 301 South Park, Room 528, Federal Office Building, Helena, Montana 59601 (406) 449-5381. Deadlines for applications are October 29, 1980 for physical damage loans, and January 29, 1981 for economic injury loans.

County	Type of Disaster	Dates of Disaster
Big Horn	Drought	5/15/79 - 11/1/79
Blaine	Drought	4/01/79 - 10/01/79
Broadwater	Drought	6/17/79 - 9/30/79
Carbon	Drought	4/01/79 - 10/01/79
Carter	Drought	4/01/79 - 10/01/79
Cascade	Drought	4/01/79 - 10/01/79
Chouteau	Drought	4/01/79 - 10/01/79
Custer	Drought	5/01/79 - 9/21/79
Daniels	Drought	5/01/79 - 10/01/79
Dawson	Drought	5/01/79 - 9/30/79
Deer Lodge	Drought	4/01/79 - 10/01/79
Fallon	Drought	4/01/79 - 10/01/79
Fergus	Drought	5/01/79 - 10/01/79
Garfield	Drought	5/01/79 - 9/21/79
Glacier	Drought/Cool Spring	5/01/79 - 9/30/79
Golden Valley	Drought	5/01/79 - 10/01/79
Granite	Drought	4/01/79 - 10/01/79
Hill	Drought	4/01/79 - 10/01/79
Jefferson	Drought	4/01/79 - 9/30/79
Judith Basin	Drought	5/01/79 - 9/30/79
Lewis & Clark	Drought	6/17/79 - 9/30/79
McCone	Drought	5/01/79 - 9/30/79
Mineral	Drought	4/01/79 - 9/30/79
Missoula	Drought	4/01/79 - 9/30/79
Musselshell	Drought	5/01/79 - 10/01/79
Park	Drought	4/01/79 - 10/01/79
Petroleum	Drought	5/01/79 - 9/30/79
Phillips	Drought	4/01/79 - 9/30/79
Powder River	Drought	5/01/79 - 11/02/79
Powell	Drought	4/01/79 - 10/01/79
Prairie	Drought	5/01/79 - 9/30/79
Richland	Drought	4/01/79 - 10/01/79
Roosevelt	Drought	5/01/79 - 9/30/79

Rosebud	Drought	4/01/79 - 10/01/79
Sheridan	Drought	5/01/79 - 10/01/79
Silver Bow	Drought	4/01/79 - 10/01/79
Stillwater	Drought	4/01/79 - 10/01/79
Sweet Grass	Drought	4/01/79 - 10/01/79
Teton	Drought	5/15/79 - 8/15/79
Treasure	Drought	4/01/79 - 10/01/79
Valley	Drought	5/01/79 - 9/30/79
Wheatland	Drought	5/01/79 - 9/30/79
Wibaux	Drought	5/01/79 - 9/30/79
Yellowstone	Drought	5/01/79 - 10/01/79
N. Cheyenne Res.	Drought	4/01/79 - 10/01/79

Coal Board Awards School Construction Grants

The Montana Coal Board approved two new school construction grants for the Colstrip School District at its last meeting held in Forsyth. The projects include \$1.5 million for an elementary school and \$1.4 million for a high school which are both scheduled for completion by the fall of 1982 on sites projected in the townsite expansion plans. The original requests from the school district totaled over \$11 million, so the district will provide the difference in addition to purchasing some portable classrooms to handle the influx of students expected this fall.

In other business, the Board approved a grant for \$200,000 to the Spring Creek County Water and Sewer District for construction of core sewer and water facilities at the proposed new town of Spring Creek in Big Horn County. Also funded were two requests from Rosebud County for additional law enforcement officers and mental health services for Colstrip residents.

The next meeting of the Coal Board will be held in Billings on June 19, 1980 at the Parmly Billings Library, 510 North Broadway, first floor meeting room (use south entrance). For further information contact Murdo Campbell, Administrative Officer for the Coal Board at (telephone) 449-2400.

CORRECTION: Technical Assistance Program For Water Resource Projects

The April MCN article which described the Technical Assistance Program for Water Resource Projects, administered by the Montana Department of Natural Resources and Conservation, contained a typographical error which may have caused problems for some readers. The correct telephone number to call for further information on the program is 449-2864, not the 442-2864 listed in the article.

Measuring Your City's Fiscal Condition

How do you measure your community's fiscal condition? By its "cash solvency," that is, its ability to pay bills over the next 30 or 60 days? That's okay on a limited basis.

A more comprehensive measure is a city's long-run ability to pay all the costs of doing business, including expenditure obligations that normally appear in each budget and those that show up intermittently, for example, expenditures to replace capital equipment and deferred maintenance.

Local financial problems are slow to build and can be traced to one or more causes: (1) a decline in revenues or tax base; (2) an eroding capital plant; (3) a faltering local or regional economy; (4) growing debt burden; (5) accumulation of unfunded pension liabilities; (6) an increase in federal or state mandates or sudden loss of these funds; (7) an increase in spending pressures; (8) the cost of natural disasters; (9) ineffective management practices or legislative policies. So, a comprehensive approach to monitoring and measuring your municipality's fiscal condition allows you, the local official, to respond flexibly to such situations with financial and political decisions.

The International City Management Association (ICMA) recently developed a fiscal monitoring system that enables small and medium communities to anticipate fiscal and economic problems similar to those listed above. It gives early warning of prospective troubles and provides local officials with a better understanding of the government's fiscal position. The system is not simple to use, but it appears to be workable.

The fiscal monitoring system identifies 13 factors that contribute to financial decline and labels them environmental, organizational or financial. In its broadest use, the system enables you to answer three key policy questions:

1—Does your external environment (for example, community needs, local economy, natural disasters) provide the resources to pay for its demands on your financial condition?

2—Do your legislative policies and management practices enable you to respond to inevitable changes in the environment?

3—Do you cover your total operating costs, and thereby avoid postponing payments that must depend on the future availability of revenues?

The system uses indicators to measure each of 13 factors (for example, revenues, debt structure, intergovernmental constraints). There are nine such indicators of "revenues." They include revenues per capita, restricted revenues, intergovernmental revenues and property tax receipts. For each indicator—let's use

revenues per capita—you are provided with a description ("examining per capita revenue shows how revenues are changing relative to changes in the level of population"); a formula (revenues per capita = operating revenues divided by population); suggestions for analysis and worksheets to use in determining and then graphing the trend for the past four or five years. A warning trend is provided as well ("decreasing revenues per capita, in constant dollars").

The system presents you with plenty of fiscal and economic indicators to choose from to develop recent trends, and some will clearly not apply to your city, but be careful about too hastily discarding indicators that don't seem relevant. In trying to apply them to your city, you may find that they are relevant after all. Because each is like a piece in a puzzle—implying neither good or bad fiscal condition by itself—you will want to have all the relevant pieces to work with.

In sum, the indicators can be used to monitor changes in your city's or town's financial condition; to identify emerging financial problems in time to take corrective action; to identify existing problems of which you may be unaware and develop remedial actions to address them; to project financial needs, and to prepare a picture of the city's financial strengths and weaknesses for use with staff members, the city council, community groups and the investment community.

Resources

This article is based on *Evaluating Financial Condition: An Overview* (Handbook #1) and *Financial Trend Monitoring System: A Technique for Monitoring Changes in the Financial Condition of a General Purpose Local Government* (Handbook #2), both by Sanford M. Groves. Both are from ICMA, 1140 Connecticut Avenue NW, Washington, D.C. 20006. Price: undetermined.

Two other approaches to measuring local fiscal condition are found in *Is Your City Heading for Financial Difficulty?* by Philip Rosenberg and W. Wayne Stallings and the *Mayor's Financial Management Handbook*, published by the United State Conference of Mayors (USCM). The Rosenberg-Stallings workbook deals with measures of fiscal decline. The USCM handbook highlights the mayor's role in financial management and provides a financial policy checklist. The Rosenberg-Stallings workbook is available from the Municipal Finance Officers Association, 180 North Michigan Avenue, Chicago, Ill. 60601. Price: \$9.00 (\$8.00 prepaid). The *Mayor's Handbook* is available from USCM, 1620 Eye St. NW, Washington, D.C. 20096. Attention: Nancy Moore. Price: Undetermined.

Note: The above article was originally published by the National League of Cities in its *Financial Management Digest*, Issue 2, February, 1980 and reprinted with its permission.

Community Development Position Available

The Department of Community Affairs is seeking applicants for the position of Community Development Specialist in Helena, Montana. Minimum Qualifications: Bachelor's Degree in urban planning, economics, business administration, public administration, or related field plus three years of experience in community or economic development. Thorough knowledge of community planning and development principles and familiarity with federal programs and requirements. Experience in the preparation of applications for and administration of grants. Position requires considerable knowledge of community and economic planning and development.

Salary \$15,443 annually.

Contact your local State Employment Office or write:

Kent Mollohan, Chief
Housing and Community Facilities Bureau
Community Development Division
Department of Community Affairs
Capitol Station
Helena, MT 59601
Phone: (406) 449-2804

HUD Proposes Changes In "Small Cities" Regulations

Each year the U.S. Department of Housing and Urban Development, Community Development Block Grant Program, better known as the "Small Cities" program, awards grants to Montana communities on a competitive basis for projects designed to meet community needs. Since 1968 over \$16 million has been awarded to 31 local governments to support housing rehabilitation, site acquisition and development, public facility improvements, economic development, and other similar activities. Pre-application ranking factors are heavily weighted in favor of projects which meet severe community needs and offer a significant benefit to persons of low-to-moderate income. This year, changes in the ranking criteria for "Small Cities" pre-applications proposed by HUD in the April 8 *Federal Register* will give more weight to factors over which applicants have control. A sore point with competitors nationwide has been the 200 points awarded based on HUD-generated poverty and substandard housing statistics. The proposed regulations eliminate the 50 substandard housing points for both single purpose and comprehensive grants. HUD believes that these measures of housing need are less useful in measuring small cities' relative needs. Both single purpose and comprehensive programs would be able to accumulate a

total of 1020 points; the program factor for single purpose programs being increased from 200 to 400 points. In determining program impact the regulations would require HUD to consider the number of persons benefiting from the program, further distinguishing the program factor from the benefit to low and moderate income persons factor.

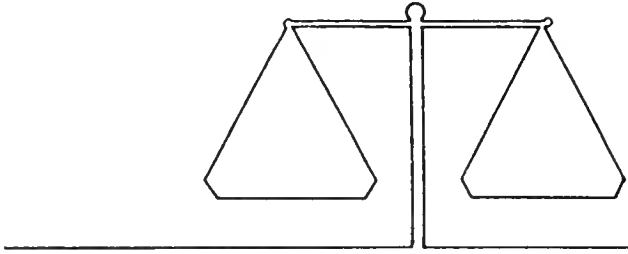
Two new ranking factors are proposed. The State may recommend a 25 point award for each applicant whose program implements a state growth or resource coordination strategy or which enhances the community's position as a regional center of economic development. This will be a new criterion for comprehensive programs. Formally, implementation of a state growth plan or enhancement of the community's position as an economic development center were optional design criteria for comprehensive program. Montana, through DCA, has always been requested by Region VIII to verify growth and enhancement points when appropriate. The proposed regulations formalize this function and indicate a strengthening of state-HUD cooperation in the ranking process. The federal emphasis on energy conservation is also demonstrated in the proposed regulations. Programs which can demonstrate that they will promote energy conservation or support energy production will be awarded 20 points.*

Although final regulations will probably not be published until this summer the Community Development Division feels that these significant aspects of the proposed regulations will be retained and can be used to begin planning pre-applications for submittal in the fall. Proposed activities must be described in terms of one of three problem areas; housing need, a deficiency in public facilities, or economic conditions. A multi-year comprehensive proposal may address all problem areas. A strong program demonstrating a severe problem and significant impact will be even more competitive this year. It will not be penalized by poor housing points and could partially offset poor low and moderate income benefit points if a large number of people benefit from the program.

Pre-application deadlines and dollar allocations are not yet available but a schedule similar to FY 1980 is expected. Approximately \$5 million is expected with an October deadline for pre-applications. Communities are urged to begin planning proposals as soon as possible. Survey forms to help document benefit are available from the Division as well as copies of the proposed regulations. DCA staff is also available to visit your community and discuss the program with councils and community groups. For more information contact Ann Mulrone, Community Development Division, DCA, Helena, 449-3757.

*HUD has published a new booklet describing how 10 cities used their community development block grants to solve energy conservation problems. The booklet *Block Grant Energy Conservation* is free from the Department of Housing and Urban Development, Room 7100, Washington, D.C. 20410.

JUDICIAL HIGHLIGHTS



The Supreme Court of Connecticut (highest court) has held that landowners adjacent to a proposed subdivision do not have standing to appeal the approval of the subdivision if at the public hearing on the proposal they did not offer specific evidence that the subdivision would injuriously affect their personal and legal interests. The court found that the general concern, fear, and apprehension expressed by the plaintiffs that the subdivision might result in increased traffic was not sufficient to make them aggrieved persons eligible to challenge the approval of the subdivision in court. Mere generalizations and fears, unsupported by specific evidence, do not establish aggrievement under the applicable standing statute, said the court. *Walls v. Planning and Zoning Commission*, (1979) 408 A.2d 252.

The Massachusetts Court of Appeals (intermediate court) has held that if a subdivision plan approved by a local board of health is modified to obtain the approval of the local planning commission (under Massachusetts law these two bodies have regulatory authority over subdivisions) the proposal must be resubmitted to the board of health. The court noted that because the health board acts independently of the planning commission, it must have the opportunity to make its own assessment of any changes in the plan. (The same principle would seem to apply to the independent subdivision review process carried on in Montana by local governing bodies and the State Department of Health and Environmental Sciences). *Doebelin v. Tinkham Development Corp.*, (1979) N.E.2d, Mass. App. Ct. Adv. Sheets 1169.

The Supreme Court of New Mexico (highest court) has held that a county may revoke the approval of a subdivision plat if the subdivider fails to comply with county regulations requiring the surfacing of roads. The court noted that the power to revoke subdivision approval is necessary to prevent a subdivider from circumventing the subdivision review process once plat approval has been obtained. *Parker v. Board of County Commissioners*, (1979) 603 P.2d 1098.

1980 Census User Conference *Held in Helena*

Now that we have mailed or given our Census forms back to the Bureau of the Census, we are curious, naturally, about what we have learned. It won't be overnight that the Census Bureau can process information from over 220 million people in about 80 million households. But you can find out the tentative schedules of when over 3.3 billion items of information will be provided by attending a 1980 Census Data User Conference. The first of four one-day conferences planned for Montana was held on May 7th in Helena. Fifty-six people, representing a cross section of business and state and local governments heard Jerry O'Donnell, Data User Services Officer from the Bureau of the Census Regional Office in Denver, discuss the status, content, and programs of the 1980 Census of Population and Housing and describe data products and services which will soon be made available. Richard Schweitzer, Regional Census Manager from Seattle, summarized the progress and status of Montana's 1980 Census, indicating that Montana may again be the first state in the nation to be completed. Schweitzer also told the group of plans to provide unofficial preliminary census counts to local officials for their review prior to the release of official counts to the public.

Cosponsored by DCA's Research and Information Systems Division, the Montana State Library and the federal Bureau of the Census, the conference topics include an Introduction of the 1980 Census, Geographic Concepts and Subject Matter, Data Products, and Data User Services. The department, as the State Data Center, and the Montana State Library also provided information on their products and services.

Besides learning some interesting facts about which states will lose or gain a seat in the U.S. House of Representatives, how household compositions and relationships are changing, how the Census tried to avoid the "under-count" of people, the conference illuminated new statistical packages that should prove to be a boon for communities applying for federal or state assistance programs. New for this Census are block statistics for all communities with 10,000 populations or more; statistics for communities that contracted for special tabulations, particularly in energy impacted areas; and a new Neighborhood Statistics program. The latter program is available until December, 1980 to any community requesting this service which delineates the neighborhoods for which special statistical analysis is desired.

Other 1980 Census User Conferences will be held later in Billings, Great Falls, and Missoula. For more information on the dates of the conferences, and other training opportunities, contact Mrs. Doris Neu, State Data Center, DCA, Research and Information Systems Division, (telephone) 449-2896.

Rural Development Loan Fund Announced By CSA

The Community Services Administration announced in the April *Federal Register* that applications are now being accepted under a new loan program designed to support business facility and community development projects in rural areas. Sixty million dollars for small loans and loan guarantees (the average is expected to be in the \$10,000 range) will be available at a below market interest rate to be established by the Treasury Department. Eligible projects must be aimed at providing increased income, employment and business ownership opportunities for low-income residents of rural areas. A "rural area" is defined to include any area not within the boundaries of a city of 50,000 population or more nor its adjacent urbanized areas. Applicants may be public agencies, community development agencies, cooperatives, community-based organizations, and private nonprofit groups.

The deadline for fiscal 1980 funding is August 1. The published guidelines are in proposed form only; project loans will not be awarded until after final regulations are published this summer.

Applications and further information may be obtained by contacting Jim Digilio, Chief of the program development and demonstration division of CSA's Office of Economic Development, 1200 19th Street, N.W., Washington, D.C. 20506. Telephone (202) 254-5320.

Copies of the proposed regulations are also available from Ann Mulrone, DCA/Community Development Division, (telephone) 449-3757. The Division is writing for further information and will be happy to work with businesses and communities interested in the program.

Private Industry Council Solicits Proposals

The Private Industry Council of Montana, Inc., (PIC) recently released a request for proposals for training and employment generating programs designed to produce new, permanent job opportunities in the private sector for CETA eligible persons. The 25-member PIC was created by Governor Thomas L. Judge under the Private Sector Initiative Program, Title VII of the Comprehensive Employment and Training Act, to stimulate greater business and industry involvement in CETA programming. Working with the Department of Labor and Industry, the PIC will administer a \$1.3 million program of training and technical assistance for both workers and businesses. In addition to helping and encouraging businesses to expand their work forces and make greater use of CETA eligible persons (those who are economically disadvantaged and unemployed or underemployed), the PIC will be attempting to make existing job training programs more responsive to the needs of potential employers.

Areas in which the PIC is requesting proposals include:

1. Technical assistance to qualifying small Montana businesses and industries in the areas of:
 - a. Expansion planning
 - b. Financing for expansion
 - c. Feasibility studies
 - d. Marketing
 - e. Efficient utilization of dealers and distributorships
 - f. Federal and other contract procurement
 - g. Development of related products
 - h. Job skill requirement forecasting
 - i. Management skills improvement
 - j. Other areas, as appropriate

2. Classroom training
 - a. World of work
 - b. Vocational training
 - c. Pre-apprenticeship training
 - d. Adult Basic Education
3. On-the-job training
 - a. OJT for businesses (training provided for a particular occupation within a small business)
 - b. Management internships
 - c. Industrial entry level training
 - d. Upgrading

The PIC is particularly interested in proposals which will support the expansion of job opportunities in basic, as opposed to derivative, industries; it will, however, consider all programs which demonstrate a high probability of creating non-subsidized, private sector jobs for economically disadvantaged persons. Proposals addressing the support of businesses or industries whose activities will contribute to import reductions (ex., alternative energy-related firms) or to the stabilization of economic sectors adversely impacted by energy supply/demand problems are also solicited.

Persons, firms, public or non-profit agencies, local development entities, community-based organizations, labor unions, educational institutions, and others interested in providing or receiving the assistance outlined above are asked to contact the PIC no later than June 20, 1980. Preliminary submissions should include, at a minimum: a statement of perceived needs; a description of the assistance being offered or requested; for training proposals, an outline of the curriculum to be used; for technical assistance proposals, an explanation of how the assistance given will lead to the creation of employ-

(Continued on next page . . .)

Council Solicits Proposals, Continued . . .

ment opportunities for CETA eligible persons (including types and numbers of anticipated jobs); a time frame for implementation; project budget; other programs or resources to be utilized; qualifications of the person(s) to be primarily responsible for carrying out project activities; and, for service offerors, summaries of similar or related projects previously undertaken.

PIC officers are J. William Kearns, Jr. of Townsend, president; Andrea Rominger of Floweree, 1st vice president; Forest "Buck" Boles of Helena, 2nd vice president; Betty Kisson of Butte, treasurer; and Leonard Sargent of Helena, secretary.

Persons wishing further information about PIC or desiring to submit proposals for service or requests for assistance should contact:

Carol Daly, Executive Director
Private Industry Council of Montana, Inc.
P.O. Box 1237
Helena, Montana 59601
(406) 443-7343

HUD Accepting Applications From Neighborhood Organizations For Revitalization Projects

HUD announced in the April 10 *Federal Register* a second FY 1980 application cycle for neighborhood revitalization projects carried out by voluntary neighborhood organizations. The first funding cycle awarded \$8.6 million. The single Montana application was not funded nor were any in Region VIII. Eligible applicants must be existing voluntary neighborhood organizations with a history of service to the neighborhood and demonstrable capacity for developing resources for effectively implementing neighborhood conservation and revitalization projects. Grants under this program are not designed to provide total project funding, although there is no dollar limit for grant requests or any specific match requirement. Grants are awarded to support an organization's preparation and/or implementation costs for specific low and moderate income rehabilitated or new housing construction, commercial revitalization, economic development, creative reuse, energy conservation, weatherization or other neighborhood community development projects.

Grant application kits must be requested in writing from Clifton Barnhill, Program Support Division, Office of Neighborhood Development, Room 4222, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Applications may be submitted through July 15, 1980. For a copy of the

regulations contact Ann Mulroney, DCA/Community Development Division, (telephone) 449-3757.

Free Slide Show Available From EPA and HCRS

A new slide and tape show describing recreation and open space opportunities at wastewater treatment sites is available on loan, free of charge, from the U.S. Department of Interior's Heritage Conservation and Recreation Service or from the U.S. Environmental Protection Agency.

The 15-minute presentation, called "Clean Water Recreation: A How-To Slide Show," tells EPA grant applicants how to fulfill provisions of the Clean Water Act of 1977, which requires applicants to analyze recreation and open space opportunities while improving water quality. Among other topics covered are public participation in the process, additional funding sources, and the joint HCRS/EPA technical aid program.

Three brochures on aspects of the clean water recreation program also are available from the two agencies at no cost.

Contact Water Resources Division, Heritage Conservation and Recreation Service, 440 G St., N.W., Room 312, Washington, D.C. 20243; 202-343-4693; or the regional HCRS or EPA offices in Denver: Heritage Conservation and Recreation Service, Denver Federal Center, P.O. Box 25387, Denver, CO 80225 or U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, CO 80295.

Reports Profile Community Energy Conservation Measures

The February/March issue of *The Energy Consumer*, a publication of the Department of Energy, provides an update of what communities across the country are doing to save energy. Published by DOE's Office of Consumer Affairs, the report profiles a number of cities which have taken a lead in cutting fuel costs. The issue also includes a useful state-by-state guide of the official state energy offices, as well as the state contact for HUD and EDA, two agencies with programs that can fund community energy projects. Also listed are other useful agencies in each state, such as energy extension services, solar coalitions, or groups involved in weatherization. In addition, *The Energy Consumer* includes updates on relevant energy regulations and federal programs, including the new Consumer Coop Bank, that can fund local projects. For a free copy of the issue write: DOE Office of Consumer Affairs, Room 8G082,

(Continued on next page . . .)

Community Energy Conservation, Con't . .
Washington, D.C. 20585. Phone (202) 252-5141.

A second report prepared by the Washington-based Center for Renewable Resources describes 150 model state and local energy conservation projects selected after a survey of 2,000 such efforts. The Center's study emphasizes projects utilizing solar energy or other renewable fuels and may be especially valuable because it identifies a number of potential funding sources for local projects. The 210-page report, "Shining Examples," is available for \$4.95 from the Center for Renewable Resources, 1001 Connecticut Avenue, N.W., Suite 510, Washington, D.C. 20036.

Federal Agencies Amend Programs to Encourage Petroleum And Natural Gas Conservation

The May 7 *Federal Register* included proposed rules designed to encourage petroleum and natural gas conservation for 21 federal financial assistance programs. The rules were developed in response to Presidential Executive Order 12185 which directed that energy efficiency standards be incorporated into all federal assistance programs which offer opportunities for significant conservation. The proposed rules will not alter currently eligible applicants or activities or otherwise impair the statutory purpose of the programs. Rather, conservation projects will be added to eligible activities where appropriate and conservation strategies will be included in program design standards. This comprehensive federal energy emphasis offers an excellent opportunity for communities and businesses interested in energy conservation to develop projects for multi-agency funding. The agencies which have developed conservation regulations include:

— The Department of Housing and Urban Development has included energy conservation elements in the "Small Cities," UDAG, and 701 Comprehensive Planning Assistance programs and in all its housing assistance programs.

— The Farmers Home Administration has incorporated consideration of conservation activities in regulations for their business and industry loan program, water wastewater loans and grants, community facility loans, industrial development grant program, rural planning grants, housing assistance programs and farmers programs.

— The Small Business Administration has proposed three rules to promote conservation including using life-cycle costing in assessing loan applications for energy conservation purposes.

— The Environmental Protection Agency has included conservation considerations in design criteria for the Wastewater Facility Construction Grant program and Resource Recovery System Implementation Grant Program, among others.

— The Heritage Conservation and Recreation Service of the Department of Interior has included conservation standards for the historic preservation grant program and the Land and Water Conservation Fund program which provides grants for public outdoor recreation areas and facilities.

A copy of these energy regulations may be obtained by contacting Ann Mulroney, DCA/Community Development Division, (telephone) 449-3757.

Publications of Interest

The Renewable Energy Bureau of the Department of Natural Resources and Conservation has just published the *Montana Renewable Energy Business Directory*, which lists architects, designers, engineers, builders, manufacturers, distributors and nonprofit organizations and agencies in Montana who are involved in the renewable energy field. Copies of the directory are available free from DNRC's Renewable Energy Bureau, 32 South Ewing, Helena, MT 59601, (telephone) 449-4624.

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The *Practice of Local Government Planning* is the all-new successor to the *Principles and Practices of Urban Planning*, the "green bible" which local planners have used as a basic reference for a dozen years. The 700 page book was published by the International City Management Association in cooperation with the American Planning Association. The *Practice of Local Government Planning* provides comprehensive coverage of the subject for anyone, student, planner or administrator, who must work with the total scope of planning at the local government level. Written by 30 leaders in planning education and practice, the text contains 21 chapters and almost 200 figures and tables. Inflation seems to have had its impact on this as well; the price is \$30.50, twice that of the earlier book. Copies may be ordered from the International City Management Association, 1140 Connecticut Avenue N.W., Washington, D.C. 20036, Information is also available on a correspondence course based on the revised book.

Earth-Sheltered Housing

By: Kent Mollohan

DCA Community Development Division

If you are thinking about buying or building a new home, you might consider an earth-sheltered or underground home. A technique known since about 1,000 B.C. or earlier, the use of earth in our housing arrangements has progressed rapidly in the 1970's and the 1980's promise even more advances in earth-sheltering and underground space utilization.

Skeptics apply "caves, mole holes, bomb shelters, unfurnished basement houses," and other epithets to the use of earth-sheltering in housing. In spite of its detractors, earth-sheltered housing gained many supporters in the last ten years, including many in Montana. Conferences seminars, and public workshops have increased lately to provide information, examples and tours of earth-sheltered homes. In recent months sessions occurred in Billings, Helena, Hot Springs, Kalispell, Missoula, and probably other places, as well.

Neither fad nor fancy, earth-sheltering and the use of underground spaces and facilities is a world-wide phenomenon. A driving force for returning to this earlier and "more appropriate" technology has been the rising cost of energy and our increasing dependence on other nations for our energy supplies. Now, what was once intuitively known has become a hybrid science of earth-shelter/underground space use. Our knowledge of, and accessibility to that science increases each year with the promise of information at your fingertips in your local library, bookstore, and on your television set at home.

You will hear the terms "earth-sheltered, earth-bermed, underground, chambered," and others applied to the variety of housing and commercial spaces that somehow use the earth or soils as integral to their design and structure. To date, "earth-sheltering" seems the most popular and acceptable term in use by designers, builders, financiers, and the owners of these structures.

Earth-sheltered housing structures are single or multiple-family dwellings of conventional or unconventional size and shape and built on, partially in, or under the ground. In plan form they are often more rectangular than square-shaped, and very often incorporate solar design technologies. They range from dwellings built on top of the ground that are "bermed" (soil or earth piled against or over a portion of the structure), through dwellings built partially within the ground or a portion below grade (with earth berming and soil on the roof, but not fully buried), to underground or dwellings built entirely below grade or the level of the land (with earth or soils on all sides of the

structure, including the roof, but with some penetrations through the roof or sides for light and ventilation). Outside they are as conventional or unconventional as their owners wish and can afford, and often are all-concrete structures, concrete and conventional roofs, concrete culverts, steel culverts, and concrete domes. Inside they become as conventional or unconventional as the owner desires and often reflect conventional dwellings with wood, brick, tile, rock and other materials. Some earth-sheltered units with grass on their roofs are tended as regular lawns by their owners.

Some major construction differences between earth-sheltered and conventionally-built houses require increased care and work with excavations and foundations, structural requirements to compensate for earth and soil loads, and insulation and waterproofing. Excavation often involves deeper and wider removal of soils; foundations become combination foundation and wall components of the structure. Serious consideration must be given to foundations, roofs and walls by structural engineers in order to design structures to carry and transfer loads and stresses created by soils and moisture. Particular attention must be paid to waterproofing and exterior insulation before any part of the structure is covered.

Costs are reported to be competitive with, or lower than conventional housing construction costs. As with everything else, costs depend on the materials selected, their availability and the costs of transportation to the site, the complexity and size of the dwelling structure, and any savings available via "sweat equity" or financing breaks. Financing has been developed through the traditional mortgage channels of banks and savings and loan institutions, including the use of federal insurance or guarantees. While money for construction and permanent mortgages may be slow in these fledgling stages of earth-sheltered housing, it will likely increase in the future as more units are produced and as more experience is gained.

Building codes and land use regulations have been addressed by owners of earth-sheltered housing, and appear readily resolvable in favor of their design. The most significant concerns of regulations involve health and safety factors, and most earth-sheltered builders and owners work with code and regulatory officials to meet these concerns.

You may obtain more information from several sources in Montana. The Alternative Energy Resources Organization (AERO) in Billings, their educational arm

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Earth-Sheltered Housing, Continued . . .

in Helena, the New Western Energy Show, and the Institute of the Rockies in Missoula, have all sponsored conferences or workshops on earth-sheltered housing. The Federal Housing Administration's Insuring Office in Helena, the U.S.D.A.'s Farmer Home Administration in Bozeman, and the Veterans Administration in Helena have shown interest and support for the field and may be contacted for assistance in their lending, insuring and guarantee programs.

If you would like to be part of a proposed "network" of owners, builders, suppliers, or supporters of earth-sheltered housing, drop a postcard indicating your interest, or if you are an owner or builder, some details of the unit you have built, to Kent Molloy, Chief, Housing and Community Facilities Bureau, Community Development Division, DCA, 1424 9th Avenue, Helena, MT 59601, (telephone) 449-2804. The Bureau is considering development of a "profile" on each earth-

sheltered house, and with each owner's permission, would distribute these profiles to lenders, federal and state housing agencies, local code officials, appraisers, and other involved in the field in order to increase awareness of the potential for this "new" form of housing.

An excellent source book for persons interested in additional information on the subject is *Earth Sheltered Housing Design* (Van Nostrand Reinhold Co., 135 W. 50th St., New York, NY 10020, 1979, 320 pages, \$17.95) prepared by the Underground Space Center at the University of Minnesota. It addresses the questions most often raised regarding earth-sheltered housing including potential energy savings, maintenance, and adaption of designs to natural surroundings. The appendices contain formulas for energy calculations, excerpts of uniform building codes, HUD minimum property standards, and information on the financing of earth-sheltered housing.

Local Government's Role In The Development of Solar Energy

Since 1974, forty-three states, including Montana, have passed some form of tax incentive for solar energy systems. Recently, the U.S. Congress enacted major solar energy incentive legislation as a part of the National Energy Act. As the number of solar installations grows, local government activity relating to solar will increase due principally to local government's regulatory activities.

Building inspectors will be called upon to inspect and grant permits to solar construction. Solar houses will have to comply with local planning and zoning requirements, and the local tax assessor will often determine how much value a solar system adds to a home.

Most local regulations are not openly hostile toward solar applications, but neither are they written specifically for solar-equipped buildings. Some adjustment in local government regulations may be necessary so that they will not needlessly impede solar development.

Building Codes

Building code officials and builders cross paths at every new home construction site in the code jurisdiction, often before construction activities begin. In some cases making structural or mechanical alterations to existing housing requires a building permit as well. A recent study by the U.S. Department of Housing and Urban Development (HUD) looked at builders' experiences in getting building permits and approvals to

see if there are any specific problems traceable to the solar energy system. While there does not seem to be any serious problem in getting final code approval, some builders reported delays in the approval process.

Of nearly 70 code jurisdictions examined, very few required some sort of design change specifically related to solar before granting code approval. Additional job site inspections were needed in relatively few of the jurisdictions, but the processing time for approval exceeded normal standards in just under one-fifth because of the solar energy systems. In interviews, builders confirmed that approval sometimes took longer because of solar. However, almost all of the builders who experienced delays cited the code officials' unfamiliarity with solar technology rather than the building code itself as the reason. This unfamiliarity will likely diminish as building inspectors get more experience. In fact, many of the code officials said they took extra time to issue a permit for solar construction precisely because they wanted to learn more about the solar energy system.

According to the HUD study, few states or local governments have enacted building code provisions that apply exclusively to solar energy systems. Those few have concentrated mostly on making sure the work is done by a qualified person and on ensuring that solar installations pose no threat to health and safety.

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Government's Role in Solar Energy, Con't.

Planning and Zoning

Local land-use plans and zoning ordinances can affect a solar collector's exposure to adequate sunshine to ensure effective system performance. Traditional land-use and zoning techniques such as building height, density, and setback controls and street orientation can determine whether a solar collector can be placed in a spot where it can gather enough sunlight. For example, a height limitation could prohibit the retrofit of roof-mounted collectors, and setback or density controls could interfere with their location on the ground. Streets which run east-west generally allow more direct south exposure for collectors than those which run north-south.

In addition, zoning laws can provide crucial protection against the shading of collectors by buildings or vegetation. Height limitation, tree placement requirements, and open space allotments often can prevent the construction or placement of obstacles that could block sunlight.

Some innovative jurisdictions have begun to plan for solar energy use as they develop local land-use regulations. Perhaps the most ambitious of these is the community of Davis, California, which has developed a series of energy-conservation provisions in its zoning and building code regulations. Street orientation and lot setbacks in areas of new construction are specifically designed to improve access to sunlight for south-facing walls or glass areas.

Several Southwest or West Coast communities are using zoning regulations to protect access to sunlight. Their strategies have included regulating the height of new structures to protect neighboring buildings from shading, and controlling vegetation growth that could shade solar collectors. Some of these strategies are reasonable means of protecting solar access, but others may go too far without considering the implications for overall land-use goals. For example, indiscriminate lowering of height limitations could produce urban sprawl. Overzealous attempts to remove obstructing vegetation could sacrifice much of the summer cooling that shading provides.

A few communities have considered preventing the installation of solar collectors on rooftops for aesthetic reasons, but responses like this are not common. More troublesome are the aesthetic controls which often are included in private covenants attached to deeds in particular neighborhoods or subdivisions. Generally, such covenants either prohibit the use of materials or structures which depart from the dominant housing style or require that architectural innovation be approved by a neighborhood review panel.

Occasionally covenant restrictions have interfered with the installation of a solar system. Some state governments are now considering legislation which

would void private covenants that unreasonably prevent the use of solar energy collectors.

Tax Assessment

Few of the local tax assessors contacted by the HUD study said that they had problems judging the value of the solar home. Most considered the solar energy system an integral part of the house; thus, there seemed to be no significant disparities in property tax assessments for solar homes as compared with non-solar homes of similar size, type, and neighborhood. Property taxes on solar equipment were originally expected to be disincentives to the utilization of solar energy. However, the potential problem caused by upward adjustment of property taxes due to use of solar systems has not arisen on a wide scale. Principally, this is due to the fact that so many states have passed some form of property tax exemption for houses using solar energy provisions.

For Further Information

The State of Montana has established a State Solar Office in the Energy Division of the Montana Department of Natural Resources and Conservation to disseminate information about the use of solar energy and to organize training workshops and seminars. Persons interested in receiving additional information regarding the utilization of solar energy should contact J. Lee Cook, State Solar Office, DNRC, 25 South Ewing, Helena, MT 59601, (telephone) 449-4624.



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